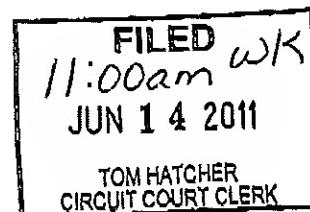


IN THE CIRCUIT COURT FOR BLOUNT COUNTY TENNESSEE

Kambiz Jalili and Romina Cutescu)
and)
State of Tennessee on the relationship)
of Kambiz Jalili and Romina Cutescu))
v.)
Blount County Tennessee;)
Blount County Deputy General Sessions)
Clerk #1;)
Blount County Deputy General Sessions)
Clerk #2)
Blount County Deputy Sheriff #1)
Blount County Deputy Sheriff #2)
Blount County Sheriff Department)
Employee #1)
Blount County Sheriff Department)
Employee #2; and)
Blount County Corporate Surety)
Defendants)

No. L-17489
JURY DEMANDED



Complaint

Plaintiffs sue Defendants and for action say:

I. Parties

1. Plaintiff Kambiz Jalili is a resident of Knox County Tennessee and will be referred to as "Plaintiff" in this complaint.
2. Plaintiff Romina Cutescu is the wife of Plaintiff Kambiz Jalili and is a resident of Knox County Tennessee and will be referred to by "Plaintiff's wife" or by name in this complaint.

3. Defendant State of Tennessee is the payee on a commercial surety bond required by T.C.A. § 8-19-301 that is paid for by the taxpayers of Blount County Tennessee and is for the use and benefit of Plaintiffs who where injured for the failure, to perform, the improper performance and/or the neglectful performance of duties imposed on them by law.

4. Defendant Blount County General Sessions Court Clerks # 1 and 2 are known to Defendant Blount County, but at this time are unknown to Plaintiffs, and are employees of Blount County Tennessee.

5. Defendant Blount County Deputy Sheriffs # 1 and 2 are known to Defendant Blount County, but at this time are unknown to Plaintiffs, and employees of Blount County Tennessee.

6. Defendant Blount County Sheriff Department employees # 1 and 2 are known to Defendant Blount County, but at this time are unknown to Plaintiffs, and employees of Blount County Tennessee.

7. Defendant Blount County Tennessee is a political subdivision of the State of Tennessee.

8. Defendant Blount County Tennessee is liable for the acts of Blount County Deputy Sheriffs # 1 and 2 and pursuant to T.C.A. § 8-8-302.

9. Defendant Blount County Tennessee is liable for the neglect and/or omissions of its employees Blount County General Sessions Court clerks # 1 and 2 and Blount County Sheriff Department employees # 1 and 2 pursuant to T.C.A. § 29-20-205 for the improper performance and/or the neglectful performance of operational duties imposed on them by law.

II. Facts

A. Plaintiffs' Speeding Ticket:

10. Plaintiff received a speeding ticket in Blount County Tennessee on January 2, 2010.
11. Plaintiff contacted the Blount County General Sessions Court and clerk #1 re-set Plaintiff's case for April 26, 2010.
12. Plaintiff appeared on April 26, 2010.
13. Plaintiff's case was called.
14. When Plaintiff's case was called Plaintiff appeared before the judge.
15. Plaintiff was told he was fined \$5.00 and court cost, and he was told to perform 8 hours of community service.
16. Plaintiff was told the total amount of his fine and cost was \$500.00.
17. Plaintiff completed his community service.
18. Plaintiff was told by a general sessions court clerk that his fine and cost was \$479.00.
19. Plaintiff was concerned he was paying less than what he was told in court.
20. Plaintiff requested a statement that he had satisfied the case.
21. Plaintiff was provided a certified statement by a general sessions court clerk that that he had satisfied the case on September 1, 2010.

B. Plaintiff's reports of hate crimes

22. Plaintiff was born in Iran.
 23. Plaintiff moved to the United States in 2004 became a citizen of the United States in 2010.
 24. Plaintiff is attending the University of Tennessee College of Engineering.
 25. Plaintiff works in addition to his continuing education.
 26. Plaintiff has been subjected to hate crimes.
 27. Plaintiff reported the hate crimes to the University of Tennessee Police on February 21, 2011.
28. Plaintiff was instructed by UT Police to take the report and his complaint to the City of Knoxville Police Department for them to investigate.
 29. The University of Tennessee Police Department contacted the Knoxville Police Department to inform the Knoxville Police Department that Plaintiff was coming to report the hate crimes.
- C. Plaintiff's imprisonment
30. Plaintiff and his wife drove to the City of Knoxville Police Department after leaving the University of Tennessee Police Department.
 31. Plaintiff's wife decided to walk downtown while Plaintiff was to meet with the police officers about the complaint of hate crimes.
 32. Plaintiff told the City of Knoxville officer at the front desk that he was there to report the hate crimes and presented a handwritten copy of the attached report that had been prepared by the University of Tennessee Police Department.

33. Plaintiff was told to wait by the Knoxville Police Officer.
34. After waiting approximately 10 minutes Plaintiff was told by the Knoxville Police Officer that he was under arrest for failure to appear in Blount County Tennessee.
35. Plaintiff was handcuffed and taken into custody.
36. Plaintiff explained to the City of Knoxville police officer that he had satisfied the Blount County traffic ticket.
37. Plaintiff was told by the City of Knoxville police officer there was nothing that could be done.
38. Plaintiff was not shown the document upon which he was being imprisoned.
39. Plaintiff requested he be permitted to leave his car keys for his wife.
40. Plaintiff's request to leave his car keys was denied by the Knoxville Police Department.
41. Plaintiff was permitted to call his wife from his cell telephone to her cell telephone.
42. Plaintiff told his wife to go to their home and get the statement from the Blount County general sessions court clerk that he satisfied the ticket.
43. Plaintiff while handcuffed, was placed in the custody of the back seat of a City of Knoxville Police cruiser and transported to the Blount County line.
44. At the Blount County line Plaintiff was turned over to Blount County Sheriff Deputy #1 and was re-handcuffed by BCDS #1.

45. Plaintiff was not provided the document for which he was being imprisoned by BCDS #1.

46. Plaintiff explained to BCDS #1 that Plaintiff had appeared on the traffic ticket and completed the case.

47. BCDS #1 said it did not matter that Plaintiff had satisfied the traffic ticket.

48. Plaintiff was taken by BCDS #1 to the Blount County jail.

49. At the Blount County jail Plaintiff explained to BCDS #2 that he had appeared and satisfied the traffic ticket.

50. BCDS #2 said it did not matter that Plaintiff had satisfied the traffic ticket.

51. Plaintiff was fingerprinted, photographed and required to provide personal history by BCSD employees and/or deputies #1 and #2.

52. Plaintiff explained to BCSD employees # 1 and 2 that he had appeared and satisfied the traffic ticket

53. BCSD employees # 1 and 2 stated it did not matter that Plaintiff had satisfied the traffic ticket.

54. Plaintiff was never shown a document authorizing his imprisonment.

55. Plaintiff's wife had gone to the City of Knoxville Police Department in response to Plaintiff's telephone call.

56. When Plaintiff's wife arrived she was told her husband had been taken to Blount County.

57. Plaintiff's wife began to walk from the City of Knoxville Police Department to attempt to get help.

58. A man who agreed to take her to her home offered Plaintiff's wife assistance.

59. While in route to her home the man attempted to engage Plaintiff's wife in a sexual encounter.

60. Plaintiff's wife attempted to call 911.

61. As Plaintiff's wife was attempting to call 911 the man pushed her out of his car.

62. Plaintiff's wife ultimately contacted a friend who took her to their home.

63. Plaintiff's wife obtained the certified satisfaction of the ticket from the Blount County general sessions court clerk.

64. The friend took Plaintiff's wife to the Blount County jail.

65. Plaintiff's wife presented the original certified statement of the Blount County general sessions court clerk that the ticket had been satisfied to Defendant BCSD employees and/or BCSD deputy sheriffs at the Blount County jail.

66. After waiting some period Plaintiff's wife was advised by a BCSD employee and/or BCSD deputy that the certified statement of the clerk did not matter.

67. Plaintiff's wife was advised that she would be required to post \$750.00 bail for Plaintiff to be released.

68. Plaintiff was ultimately released after paying \$750.00 bail.

D. Post-Arrest Hate-Crime Complaint

69. After his release Plaintiff received an email from the Dean of Students about his complaint to the University of Tennessee Police about the hate crimes.

70. The Dean of Students advised Plaintiff to pursue his complaint with the City of Knoxville Police Department.

71. Plaintiff returned to the City of Knoxville Police Department and learned that there had been no investigation of his complaint of hates crimes that he filed with the City of Knoxville Police Department on February 21, 2011.

72. The City of Knoxville Police Department told plaintiff that they would not investigate the complaints of hate crimes because Plaintiff lived in the county.

73. The City of Knoxville Police Department directed Plaintiff to the Knox County Sheriff's Department.

74. Plaintiff went to the Knox County Sheriff's Department.

75. Plaintiff met with and a KCSD person and presented the UT Police Report.

76. Plaintiff also presented his cell phone that had 19 hate messages.

77. The KCSD told Plaintiff that there was nothing he could do because the Knox County District Attorney's Office will not pursue hate messages unless there are 20 messages in one day.

78. Plaintiff only had 19 hate messages in one day and therefore the KCSD did nothing.

79. There was no investigation into Plaintiff's complaints of hate crimes by the KPD or KCSD.

80. There is a publication in Blount County called "Busted."

81. The publication "Busted" has a routine practice of publishing pictures of people imprisoned by the Blount County Sheriff's Department.

82. Plaintiff continues to wait for a day that he receives 20 hate message calls in one day so that the KCSD will open an investigation into the hate crimes.

E. Post-Imprisonment Discovered Records

83. The BCSD deputies or employees did not tell plaintiff when he was required to appear in Court as a result of his attachment and imprisonment on February 21, 2011 or pursuant to the \$750.00 bail he was required to pay.

84. Plaintiff returned to Blount County general sessions court clerk's office and was told by the Blount County general sessions court clerk's office that his attachment and imprisonment was a mistake because "There was paperwork that the jail did not return to our office and this is what caused the arrest of Mr. Jalili which again he should NEVER have been arrested."

85. A copy of the letter dated March 14, 2011 is attached and made a part of this complaint.

86. Plaintiff has been able to obtain records that he had never seen after his arrest.

87. Plaintiff was able to obtain a copy of a document that established his appearance on April 26, 2010. A copy of said document is attached to this Complaint.

88. The April 26, 2010 document reflects that Plaintiff had appeared as he was told to do by the Knox County general sessions court clerk #1 on April 26, 2010.

89. Plaintiff was told in Court that he was to serve 8 hours of community service.

90. The April 26, 2010 document does not state Plaintiff was to serve 8 hours community service.

91. The April 26, 2010 document does not reflect the offense Plaintiff plead guilty.

92. The April 26, 2010 document states Plaintiff was fined \$5.00 and cost.

93. Plaintiff was told in Court his \$5 fine and court cost would be \$500.00.

94. Plaintiff was provided time to obtain and pay his fine and court cost and complete 8 hours of community service.

95. Plaintiff also obtained a document he was never shown at the time of his imprisonment on February 21, 2011 that on March 4, 2010 "Order" was entered in Docket T0057478 that checked a box that said "Attach the defendant for failure to appear in Court as Ordered"; "Bond set at \$750.00"; and "Notify the Tennessee Department of Safety."

96. Plaintiff has been unable to obtain a copy of any "Order" of a court that he appear on March 4, 2010.

97. Plaintiff also obtained a document that on March 5, 2010 that the clerk of the "Traffic Court for Blount County Tennessee" issued an "Attachment for contempt and/or show cause for suspended sentence revocation" in Docket T0057468 to the Blount County Sheriff to attach Plaintiff to have "his body before the Honorable, William R. Brewer, Jr. Judge of the General Sessions Court for the county of Blount at the Justice Center in the town of Maryville on (Monday), the _____ day _____ of ___, 2010, 1:30 p.m. for failing to comply with the Court's Order "as found in the office of the Clerk of said Court." A copy of said document is attached to this Complaint.

98. The March 5, 2010 document stated that Plaintiff had committed a number of other alleged multiple acts of contempt for violating non-existent Orders of the court.

99. The March 5, 2010 "Attachment for Contempt" is incomplete on its face as to the date in 2010 the Blount County Sheriff was to have Plaintiff before the Court.

100. The March 5, 2010 "Attachment for Contempt" was clear on its face that the Attachment was for a date in 2010.

101. Plaintiff has been unable to find any document that authorized Plaintiff to be attached or imprisoned for any date in 2011.

102. There was no writ to the Blount County Sheriff to imprison Plaintiff on February 21, 2011.

**Claim One:
Defendant Blount County Corporate Surety Bond Liability:
Failure To Return Paperwork**

103. Defendant Blount County Corporate Surety will be identified upon Defendant Blount County's response to request for production of documents filed with this Complaint.

104. Defendant Blount County Corporate Surety was hired and paid with Blount County taxpayer funds to issue surety bonds to the State of Tennessee for the use and benefit of Plaintiffs where Plaintiffs were injured by Blount County Deputy Sheriffs as required by T.C.A. § 8-19-301(c).

105. Based on the attached letter of the Blount County general sessions court clerk Defendants BCSD deputies and employees neglected and omitted performing their operational duty to return paperwork to the Blount County general sessions court.

106. Based on the attached letter of the Blount County general sessions court clerk the neglect and omission of Defendant BCSD deputies and employees to perform their operational duty was the cause of Plaintiff being falsely imprisoned without a writ of habeas corpus.

107. Pursuant to T.C.A. § 8-19-301(e) Plaintiffs bring this action in the name of the State of Tennessee against Defendant Blount County Corporate Surety for their benefit for injuries caused to them by the failure to perform, or improper performance of, the duties of all Defendants who are covered by Defendant Blount County Corporate Surety policy.

Claim Two:
Liability Of Blount County Pursuant to the Governmental Tort Liability Act

108. Blount County is liable to Plaintiffs pursuant to Tennessee's GTLA pursuant to T.C.A. § 29-20-205 for the neglects and omissions of its employees in the Blount County "Traffic Court" and/or General Sessions Court to perform operational duties to correctly and accurately record appearances, records and orders in Plaintiffs case.

109. Blount County is liable to Plaintiffs pursuant to T.C.A. § 29-20-205 for each of the acts of its employees in the Blount County Sheriff's Department who failed to perform their operational duty to correctly and accurately read arrest process issued by the Court to determine whether that arrest process had expired by its terms.

110. Blount County is liable to Plaintiffs pursuant to T.C.A. § 29-20-205 for each of the acts of its employees in the Blount County General Sessions Court Clerk's office or Blount County Sheriff's Department who failed to perform their operational duty to remove arrest process if placed in the criminal justice system for a person's arrest when that process is no longer valid.

111. Blount County is liable to Plaintiffs pursuant to T.C.A. § 29-20-205 for each of the acts of its employees in the Blount County Sheriff's Department who failed to perform their operational duty when presented with a certified record from a court that process for a persons arrest is no longer valid.

Claim Three:
Blount County T.C.A. § 8-8-302 Liability For Each Deputy

112. Blount County is liable to Plaintiffs pursuant to T.C.A. § 8-8-302 for the act of each deputy who under color of law or by virtue of being a deputy caused or contributed to the mistaken arrest and imprisonment of Plaintiff on February 11, 2011.

113. Blount County is liable to Plaintiffs pursuant to T.C.A. § 8-8-302 for the act of each deputy who under color of law or by virtue of being a deputy caused or contributed to the mistaken arrest and imprisonment of Plaintiff on February 11, 2011.

Damages

114. Plaintiffs suffered the following damages as a cause of the foregoing claims:

- (A) Pain and discomfort during his arrest, handcuffing, transportation to the jail, and treatment at the jail;
- (B) Humiliation and embarrassment by being taken from the public lobby of the City of Knoxville Police Department in handcuffs;
- (C) Humiliation and embarrassment by being transferred from a City of Knoxville Police cruiser to a Blount County Sheriff Deputy cruiser while in handcuffs and in a public place;
- (D) Humiliation and embarrassment by being booked, fingerprinted and photographed in the Blount County jail;
- (E) Humiliation and embarrassment by having his wife and friend retrieve him after being released from the Blount County jail on bond;

(F) Humiliation and embarrassment by having his jail picture published in a publication called "Busted" taped to the door at his place of his employment;

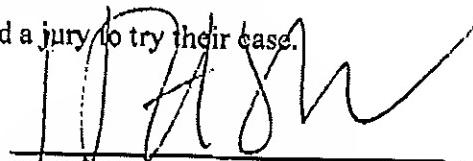
(G) Humiliation and embarrassment by being required to repeatedly explain to others that he did not commit the crime he had jailed for committing;

(H) Fear he would be arrested and taken to jail by law enforcement each time he is in a public place;

(I) Having his good name and reputation damaged.

115. Plaintiff Romina Cuteseu has lost the comfort and enjoyment of her marital relationship with her husband.

WHEREFORE, Plaintiff Kambiz Jalili sues Defendants for damages in an amount not to exceed \$500,000.00 and Plaintiff Romina Cutescu sues for damages in an amount not to exceed \$100,000.00 and both demand a jury to try their case.



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COST BOND

I hereby acknowledge myself surety for the cost of this cause as provided
for by law.

HERBERT S. MONCIER



Tom Hatcher

CIRCUIT COURT CLERK

March 14, 2011

Re: Kambiz Jalili

Docket Number: T0057478
Speeding Citation 75/45

To Whom it May Concern,

This letter is to inform you that Mr Jalili was arrested in ERROR on February 21, 2011. He had already paid his citation and had taken care of his obligations with the court and should have NEVER been arrested on this case.

There was paperwork that the jail did not return to our office and this is what caused the arrest of Mr. Jalili which again he should NEVER have been arrested!

Mr. Jalili has been very professional and very understanding in this matter even tho he was not at fault in this arrest. He did get a speeding ticket which he fulfilled his obligations in a timely manner.

If you have any questions or please feel free to call me in regards to this and I will be happy to assist you in any way possible.

Sincerely,

Betty McKenzie
Traffic Supervisor